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File #: 231740 Version: 2

Type: Ordinance

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On agenda:

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Title: A substitute ordinance relating to the extraordinary event of the Republican National Convention.

Sponsors: ALD. BAUMAN

Attachments: 1. [RNC security map](#), 2. [Jacob Flom AFSCME Local 526](#), 3. [RNC Security Map](#), 4. [Substitute A](#), 5. [Written Testimony of ACLU of Wisconsin before Public Works Committee](#), 6. [OCA Approval](#)

History (7) Text

...Number

231740

Version

SUBSTITUTE B

Reference

Sponsor

Ald. Bauman

Title

A substitute ordinance relating to the extraordinary event of the Republican National Convention.

Sections

Analysis

This ordinance establishes regulations and registration-issuance procedures for the use of city streets and public property during the 2024 Republican National Convention scheduled to take place in Milwaukee in July, 2024.

Body

Whereas, Milwaukee was selected to host the 2024 Republican National Convention, which is currently scheduled to take place from July 15, 2024, to July 18, 2024; and

Whereas, Historical data from previous host cities indicates that the Convention is expected to attract approximately 50,000 visitors to the city, including delegates, media, and interested and patriotic persons; and

Whereas, Persons and groups have a First Amendment right to organize and participate in peaceful assemblies and parades on sidewalks and rights-of-way and in the parks within the city, and to engage in peaceful assemblies and parades near the Convention so they may be seen and heard, subject to reasonable, content-neutral time, place, and manner restrictions designed to protect public safety, persons, and property; and

Whereas, It is expected that crowds of interested persons will stand or walk upon the streets to protest or demonstrate in the security footprint, but that law enforcement may need to order persons to remove themselves from the streets or sidewalks to allow for unimpeded vehicular traffic and access to buildings; and

Whereas, The City of Milwaukee recognizes the compelling need to facilitate safe and orderly movement of vehicular and pedestrian traffic during the Convention to accommodate convention-related activities, emergency services, and interests of persons not participating in the assemblies and parades to use the sidewalks and rights-of-way to travel to their intended destinations and use the parks within the city for recreational purposes; and

Whereas, The following regulations will promote and protect the general safety and welfare of Milwaukee residents and visitors during the Convention while also allowing persons and organizations to exercise their First Amendment rights to peacefully assemble and parade; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

1. General Provisions. a. Incorporation. The recitals set forth above are hereby incorporated as if fully set forth herein.

b. Purpose. This extraordinary event ordinance is intended to provide guidance for the issuance of registrations for and use of city streets and public property during the 2024 Republican National Convention, to ensure the efficient processing of all conforming registration applications, to protect the public interest, health and safety, and to promote and protect the First Amendment rights of all persons to peacefully assemble and speak.

c. General Requirement. Registrations for the use of public streets and public property during the 2024 Republican National Convention inside the preliminary security footprint may be granted only in accordance with this extraordinary event ordinance.

d. Effective Date. The appropriate City officials are immediately authorized to accept applications to allow registrants use of the streets and certain county parks within the preliminary security footprint for the official parade route and the use of the speaker's platform(s) and to suspend the granting of special event permits as indicated in section 12. All other regulations shall be in effect during the convention period.

e. Severability. In the event that any provision of this ordinance is determined to violate state or federal law, the remainder of the provisions shall be interpreted to be in compliance with such law and shall remain in full force and effect.

f. Penalties. Any person violating any provision of this ordinance shall upon conviction forfeit not more than \$500 or, upon default of payment thereof, be imprisoned as provided by law.

2. Definitions. As used in this section:

a. "Appropriate City officials" means the Commissioner of Public Works, the Director of Administration, the Police Chief, the Fire Chief, the Commissioner of Health, the Mayor, and their designees.

b. "City" means the city of Milwaukee, Wisconsin.

c. "Convention" means the 2024 Presidential Nomination Convention of the Republican National Party scheduled to be held on July 15, 2024, through July 18, 2024.

d. "Convention period" means the time period commencing at 12:01 a.m. central daylight time on Saturday, July 13, 2024, and extending until 12:01 a.m. central daylight time on Saturday, July 20, 2024, or as further required for the completion of the Republican National Committee's Presidential nominating process.

e. "Credentialed zone" means the area in the security footprint to which access is restricted by the United States Secret Service and the Milwaukee Police Department to authorized and credentialed persons consistent with the National Special Security Event designation pursuant to 18 U.S.C. §3056(e)(1).

f. "Crosswalk" means either of the following, but not any location where local authorities have placed signs indicating that no crossing is permitted:

f-1. That part of a roadway at intersections ordinarily included with the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway.

f-2. Any portion of a roadway, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface.

g. "Official parade route" means a route within the preliminary security footprint as close as reasonably practicable to sight and sound distance from the entrance of the convention facilities as determined by the appropriate City officials in consultation with the United States Secret Service. The appropriate City officials may select alternative routes as necessary to accommodate crowds, and to ensure public safety and free movement of pedestrian and vehicular traffic.

h. "Official speaker's platform" means the speakers' area designated by the City in a designated county park or parks or in an alternative location designated by the appropriate City officials.

i. "Parade" means any formation, march, or procession of any kind traveling in unison for a common purpose upon the streets, excluding sidewalks, within the city that interferes with the normal flow or regulation of vehicular or pedestrian traffic upon the streets within the city.

j. "Pedestrian" means any natural person afoot or assisted by a wheelchair or personal assistive mobility device.

k. "Preliminary security footprint" is the area designated by the general impact map attached to Common Council File Number 231740.

I. "Person" means any natural person, firm, co-partnership, association, or corporation.

m. "Public grounds" means property under the City of Milwaukee's control in the security footprint to which the general public has access, including all public lands, county parks and any paved areas on such property, but excluding streets, public buildings, and sidewalks adjoining streets.

n. "Security footprint" means the area designated by the United States Secret Service as requiring limited pedestrian or vehicle access associated with the convention.

o. "Severe weather" means the forecasting or occurrence of weather phenomena affecting the City of Milwaukee that requires the National Weather Service to issue a severe weather watch or warning for weather phenomena including, but not limited to, severe thunderstorms, tornados and floods.

p. "Sidewalk" means the portion of a street adjacent to the curb lines or the lateral lines of a roadway and the adjacent property lines and intended for the use of pedestrians.

q. "Sound amplification equipment" means any system or piece of equipment used for the production of amplified sound, including personal carried megaphones, bullhorns, and portable battery-operated sound amplification devices.

r. "Street" means any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof, excluding sidewalks.

s. "Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair or electric personal assistive mobility device, electric scooter or bicycle.

3. Persons Prohibited in the Credentialed Zone. No person shall be inside the credentialed zone during the time periods designated by the United States Secret Service or the Milwaukee Police Department without the required credentials.

4. Official Parade Route and Speaker's Platform Registration. a. Requirement. No person shall interfere with, engage in or conduct a parade on the official parade route without first becoming registered as provided in this ordinance. No person shall use an official speaker's platform without first registering to do so as provided in this ordinance.

b. Types of Registrations in the preliminary security footprint. The following 2 types of registrations may be obtained from the City for use during the convention period:

b-1. Official Parade Route Registration. An official parade route registration is required for any parade on the official parade route inside the preliminary security footprint during the convention period.

b-2. Official Speaker's Platform Registration. An official speaker's platform registration is required for use of the official speaker's platform inside the preliminary security footprint during the convention period.

c. Time Restrictions Applicable to Official Parade Route Registrations. Parades within the preliminary security perimeter may take place only during designated parade time slots from Monday, July 15, 2024 through Thursday, July 18, 2024, between the hours of 12:00 p.m. and 7:00 p.m. along an officially defined parade route. Only persons or groups with an official registration may utilize a parade time slot. The appropriate City officials are authorized to not issue registrations during times of peak convention-related traffic in consultation with the Milwaukee Police Department, and to decrease or increase the number of available time slots and time range in response to registration demand. Registration shall be made available on a first-come, first-served basis; however, the appropriate City officials may award slots by lottery or in any non-discriminatory manner due to demand.

d. Time Restrictions Applicable to Official Speakers Platform Registrations. Speakers wishing to make use of the official speaker's platform within the preliminary security perimeter may do so only during designated speaker's time slots from Monday, July 15, 2024 through Thursday, July 18, 2024, between the hours of 11:00 a.m. and 7:00 p.m. Only speakers with an official registration may utilize the speaker's platform. This time range may be adjusted by the appropriate City officials to accommodate registration demand. Registration shall be made available on a first-come, first-served basis; however, the appropriate City officials may award slots by lottery or in any non-discriminatory manner due to demand.

5. Transferability. No registration issued under this ordinance shall be transferrable.

6. Application and Registration Filing. a. General. A person seeking an official parade route or official speaker's platform registration within the security footprint shall file an application on the registration portal provided at <https://city.milwaukee.gov/RNC>.

b. Filing Periods. The City will publish an official speaker's platform and parade registration portal, application, deadlines, and directions on its website no later than 20 days after the effective date of this ordinance. The appropriate City officials are

empowered to modify these regulations to accommodate security considerations, address First Amendment concerns, or comply with any court orders.

7. Official Parade Route Regulations. The following regulations shall apply to persons while participating in a parade on the official parade route. Additional rules and regulations shall be published on the City's website at <https://city.milwaukee.gov/RNC> within a reasonable time period before the convention:

- a. Registration holders shall check in no earlier than 30 minutes before, and no later than 10 minutes before, their assigned time slots at the check-in provided to them electronically. Failure to timely appear may result in the registrant losing the assigned timeslot.
- b. Registration holders shall show proof of registration and photo identification at the time of check-in.
- c. Parade participants shall be fully assembled by the assigned step-off time. Failure to step off within 10 minutes of an assigned start time may result in forfeiture of the registration and time slot.
- d. No motorized vehicle or bicycle may be used in a parade.
- e. Parade participants shall have the set amount of time established and uniformly applied by the appropriate City officials to complete their procession to the end of the official parade route.
- f. Upon completion of the procession or at the end of the designated time slot for the parade, whichever is sooner, the parade participants shall immediately clear the official parade route.

8. Official Speaker's Platform Regulations. The following regulations shall apply to persons while using the official speaker's platform:

- a. Use of the official speaker's platform shall be limited to a time period established by the appropriate City officials and uniformly applied. Registered persons shall check in no later than 5 minutes prior to their assigned time.
- b. All microphones and sound amplification equipment used at the official speaker's platform shall be provided by the City. No speaker may use his or her own microphone or sound amplification equipment. Speakers shall immediately cease use of the speaker's platform upon expiration of their time slot.

9. Registration Revocation. a. The appropriate City officials may deny or revoke any registration granted under this ordinance because of:

- a-1. Any false or incomplete statement made in the application for the registration or because of a violation of any provision of the ordinance.
- a-2. A determination by the Commissioner of the Department of Public Works that an applicant, or persons represented by the applicant, have previously engaged in violent or destructive conduct in connection with a previous parade or other public assembly, in violation of any provisions of the Milwaukee Code of Ordinances or any state or federal laws.
- b. Appeal. If an application is denied or a registration is revoked pursuant to this section, the applicant shall be notified of the denial or revocation and the reasons therefore, as well as the ability to appeal that determination, in writing by email, if possible, or by regular mail to the address indicated on the application. An applicant shall have the right to appeal the decision to the Commissioner of Public Works within 3 business days of receipt of the notice of denial or revocation of the registration. The Commissioner shall hold a hearing on the denial or revocation promptly upon receipt of the notice of appeal. If the Commissioner determines that the registration should have been granted or not revoked, the applicant shall be notified in writing, and the application treated as if it had not been denied or revoked. If the Commissioner affirms the denial or revocation, the applicant shall be promptly notified of the decision in writing. Decisions of the Commissioner made pursuant to this subsection shall be final.

10. Suspension or Termination of Registration. Any registration issued under this ordinance may be suspended or terminated effective immediately in the event of severe weather or a large-scale civil disturbance involving violence or danger to persons or extensive property damage and at the request of the appropriate City officials. The appropriate City officials shall determine whether severe weather impacts the general welfare and safety of the community and shall make the final determination to terminate or suspend any registrations. Notice of such termination or suspension shall be provided to the applicant via electronic means or in person communication, and a public notice shall be issued to the media.

11. Streets Reserved for Vehicular Traffic; Exceptions. a. A person or group of pedestrians may stand, loiter or travel upon the streets in the security footprint only if their presence does not interfere with vehicular traffic, consistent with s. 101-1-2 of the Code of Ordinances, which adopts s. 346.29(2), Wis. Stats.

b. Law enforcement and public works officials may request persons to leave the streets and remain upon sidewalks to allow vehicular traffic associated with convention invitees and guests, delegate buses, or emergency, governmental, utility,

residential or commercial vehicles to proceed unimpeded through the security footprint.

12. Other Parades and Special Events. Because of the potential for large crowds and for convention-related vehicular traffic, including buses and other livery, anticipated in the security footprint during the convention period, the City of Milwaukee cannot accommodate parades or other special events on city streets inside the preliminary security footprint, other than those permitted for the official parade route and official speaker's platform. Because it is not possible to know with certainty the exact parameters of the security footprint in advance of the convention, the appropriate City officials, upon adoption of this ordinance, are directed to suspend accepting applications for special events submitted pursuant to s. 105-55.5 of the Code of Ordinances for events within the preliminary security footprint, which is an area indicated in the map attached to Common Council File 231740 until the end of the convention period. Any such applications shall be returned to the applicant and the applicants directed to the process outlined in section 5. Groups seeking to conduct a parade or other special event in a city street outside of the security footprint during the convention period shall submit an application to the Department of Public Works pursuant to s. 105-55.5.

LRB
APPROVED AS TO FORM

Legislative Reference Bureau

Date:

Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Requestor
Office of the City Attorney
Drafter
Alex Highley
Christopher Hillard
LRB179734-3
3/4/2024